

A DESCRIPTIVE STUDY OF CHARTER SCHOOLS IN SAN DIEGO COUNTY

SYNOPSIS

California instituted charter schools in 1992 as a means of offering teachers, parents, and pupils an educational opportunity that operates independently from the existing school district structure.

Charter schools are very much in the limelight at present. The president, the governor, and local school boards are advocating the expansion of the program. Presently, many parents and other concerned citizens are unsure of the goals and procedures regarding charter schools. Some confuse charter schools with private schools, magnet schools, and voucher issues. The 2000-2001 San Diego Grand Jury decided to initiate this study to bring the facts regarding charter schools to the attention of the schools and residents of San Diego County.

The study reveals the state laws regarding charter schools, some of the various ways charter schools in the county are organized, and the test results of these schools as compared with traditional schools.

The Grand Jury recommends that the San Diego County Office of Education give this report wide dissemination, and that local school boards strengthen some of their oversight responsibilities.

BACKGROUND

The Grand Jury examined and studied the California Education Code laws regarding charter schools.

The law states:

47600. This part shall be known, and may be cited, as the "Charter Schools Act of 1992."

47601. It is the intent of the Legislature, in enacting this part, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that **operate independently from the existing school district structure**, as a method to accomplish all of the following:

(Bold added to emphasize the independence provided by the Act.)

- (a) Improve pupil learning.
- (b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.
- (c) Encourage the use of different and innovative teaching methods.
- (d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.
- (e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.
- (f) Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.
- (g) Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.

Despite the independence authorized by this Act, there are other provisions of the Education Code that regulated some of the activities of charter schools, including, but not limited to:

47604 (c) relieves school districts of any liability that might arise from injuries or staff malfeasance;

47605 (a) provides, in detail, the procedure for establishing a charter school;

47605 (k) provides for oversight by the local school district;

47612.5 (a) and (b) provide additional guidelines charter schools are required to follow;

51745 (a) sets forth the conditions under which charter schools may offer independent study.

Since 1992, when charter schools were first authorized, many restrictions have been added.

PROCEDURES

In addition to reviewing the provisions of California State Laws regarding charter schools, the Grand Jury performed the following procedures:

1. The charter of each of the San Diego County charter schools was examined. The School Accountability Report Card, required annually of all schools as a report of several kinds of information, was also studied by the jury.
2. The Grand Jury visited several charter schools, interviewed the directors and the staffs. The jury visited classrooms and talked with students. Some interviews were carried out at the Grand Jury chambers. All interviewees were cooperative and anxious to share their knowledge.
3. The jury obtained test scores and other data concerning the charter schools in San Diego County from the State Department of Education web site.

FACTS

- A. There are 33 charter schools in San Diego County. They serve over 20,000 students, approximately four percent of the county student body.
- B. Several charter schools are incorporated as non-profit public benefit corporations. The reasons given for this are:
 1. Increased self-determination regarding curriculum selection and organization;
 2. Ability to seek private donations and grants.
- C. On the other hand, a drawback to the non-profit public benefit status is found in the Education Code:

47604 (c) "It is the intent of the Legislature that an authority that grants a charter to a charter school to be operated by, or as, a nonprofit public benefit corporation shall not be liable for the debts or obligations of the charter school." This frees the school district of any liability that might arise from injuries or staff malfeasance.

- D. Several charter schools are associated with non-profit or for-profit corporations or foundations, which:
 - 1. provide educational materials and guidance and/or
 - 2. manage the business side of the school's activities.

- E. Six of the charter schools employ independent study or home study education. For purposes of this study, we define "independent study" to mean the student works almost exclusively at home, there being little or no classroom work at the school site. "Home study" refers to cases where the student does receive classroom instruction at the school part time and works at home on assignments the remainder of the week.

- F. All of the charter schools in San Diego County, as well as the state of California, are required to participate in the state testing program. The results are published as an Academic Performance Index (API). The objective is for the schools to achieve an API equal to or above a score of 800. One charter school achieved such a score.
 - 1. Of the 33 charter schools in San Diego County, only 18 had API scores reported; the others did not have a previous year's API score that is used to measure progress. Of the 18, five schools are too small for their score comparisons to be considered valid. This left 13 schools eligible for our API Score Comparison Study.

 - 2. School scores are compared to other schools in two ways; compared to all other schools in the state, and compared to schools with similar demographics. The comparisons are reported on a scale of one to ten, ten being the highest.
 - a. Compared to all other schools in the state:
the average rank for the 13 charter schools was 4.85, slightly below the norm of 5.0.

Individual school ranks were:

S C O R E	NO. OF SCHOOLS	S C O R E	NO. OF SCHOOLS
10	1	5	0
9	0	4	3
8	1	3	2
7	2	2	1
6	1	1	2

- b. Compared to all other schools with similar demographics:
these criteria are listed in the state API report as follows:
- Pupil mobility
 - Pupil ethnicity
 - Pupil socioeconomic status
 - Percentage of teachers who are fully credential
 - Percentage of teachers who hold emergency credentials
 - Percentage of pupils who are English language learners
 - Average class size per grade level
 - Whether the schools operate multitrack year-round educational programs.

The average rank for the 13 charter schools was 5.46, which is 0.46 above the state average of 5.0.

Individual school ranks were:

S C H O O L R A N K	NO. OF SCHOOLS	S C H O O L R A N K	NO. OF SCHOOLS
10	2	5	3
9	1	4	0
8	1	3	1
7	1	2	0
6	1	1	3

- G. The ethnic breakdown of the 18 charter schools for which data was available, as compared with the whole county:

Ethnic Group	Charter Percent	County Percent
AfricanAm	22.89	8.6
Native Am	3.22	0.9
Asian	4.11	4.9
Filipino	2.17	4.9
Hispanic	36.22	36.6
Pacific Island	0.22	0.8
White	30.17	42.6

H. Attendance accounting; Independent Study.

Traditional schools receive money from the state based on their students' Average Daily Attendance (ADA). Students involved in Independent Study (see E. above) do most or all of their school work at home. The measure of attendance for these independent study students is based on assignments completed. Each assignment is allocated days of attendance. When a student finishes an assignment, he/she is credited with that number of attendance days. This allows Independent Study schools to calculate their ADA.

I. Oversight.

1. Assembly Bill 1115, Strom-Martin (Chapter 78, Statutes of 1999, as amended by Assembly Bill 1600, Committee on Education (Chapter 646, Statutes of 1999), effective January 1, 2000 but applies to the entire 1999-2000 fiscal year): Janet Sterling, Director of School Fiscal Services Division, California Department of Education, summarizes the bill's oversight responsibilities, in a letter¹ dated February 11, 2000 to the County and District Superintendents, County and District Superintendents, County and District Chief Business Officials and Charter School Administrators.

"Regardless of the decisions a charter school makes related to funding, the oversight responsibilities of the chartering entity² do not change. The chartering entity is still responsible to assure that the charter school is meeting all of the terms of its charter, including ensuring that an annual audit of the charter school is completed. The chartering entity also retains the right to review records of the charter school and to initiate revocation of the charter if necessary."

2. The jury was unable to verify that any of the school districts involved had a written procedure for conducting oversight. Interviews regarding oversight revealed that, in many cases, the oversight is being carried out by the charter school itself and reports findings to the school district. The Grand Jury did not uncover any violations.
3. Audits by the San Diego County Office of Education are limited to determining whether the schools have sufficient reserve funds.

¹ http://www.cde.ca.gov/charter/funding/advfmltr_2-00.htm

FINDINGS

1. Charter schools in San Diego County are organized and operated in accordance with the provisions of California State Laws.
 2. Achievement of students in the charter schools of the county is at least as high as comparable schools, but not significantly higher.
 3. Attendance records of students undertaking Independent Study and Home Study appears to be open to inaccuracy.
 4. Oversight of the charter schools by school districts can be improved.
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RECOMMENDATIONS

The Grand Jury recommends:

- 01-52:** that the San Diego County Office of Education distribute copies of this report to all school districts in the county as well as all of the charter schools.
- 01-53:** that the school districts ("chartering entities") institute ways of auditing the attendance records of students in Independent Study or Home Study.
- 01-54:** that the school districts ("chartering entities") establish a written procedure regarding oversight of charter schools, and assign a specific person or position responsible for carrying out the required oversight.
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REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the grand jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. *Such comments shall be submitted no later than 90 days after the grand jury submits its report to the public agency.* Also, every ELECTED

² The "chartering entity" is the school district that approved the charter school application.

county officer or agency head for which the grand jury has responsibility shall comment on the findings and recommendations pertaining to matters under the control of that county officer or agency head, as well as any agency or agencies which that officer or agency head supervises or controls. *Such comment shall be made within 60 days to the Presiding Judge of the Superior Court with an information copy sent to the Board of Supervisors.*

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

San Diego County Office of Education	Recommendation 01-52
Bonsall Union School District	Recommendations: 01-53, 01-54
Chula Vista Elementary School District	Recommendations: 01-53, 01-54
Escondido Union School District	Recommendations: 01-53, 01-54
Escondido Union High School District	Recommendations: 01-53, 01-54
Grossmont Union High School District	Recommendations: 01-53, 01-54
Jamul-Dulzura Union School District	Recommendations: 01-53, 01-54
Julian Elementary School District	Recommendations: 01-53, 01-54
Julian Union High School District	Recommendations: 01-53, 01-54
Lakeside Union School District	Recommendations: 01-53, 01-54
Oceanside Unified School District	Recommendations: 01-53, 01-54
San Diego Unified School District	Recommendations: 01-53, 01-54
Santee School District	Recommendations: 01-53, 01-54
South Bay Union School District	Recommendations: 01-53, 01-54
Sweetwater Union High School District	Recommendations: 01-53, 01-54
Vista Unified School District	Recommendations: 01-53, 01-54